

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Cr. No. 05-170 (RJL)
	:	
CLIFTON GORHAM,	:	
Defendant.	:	

ORDER

WHEREAS the Federal Medical Center (FMC) in Butner, North Carolina, has rendered an opinion, based upon examination, that the defendant Clifton Gorham was mentally incompetent to the extent that he was unable to understand the nature and consequences of the proceedings filed against him or assist properly in his own defense, but that with an additional period of hospitalization and treatment his competency to stand trial may be restored; and

WHEREAS, the Court accepts the government's representations regarding numerous recorded prison telephone calls, made after he was deemed incompetent, where defendant Clifton Gorham can be heard having lengthy conversations with relatives and friends, and where defendant Clifton Gorham can be heard stating, *inter alia*, on call # 43629 (he is "playing them") and # 1449014 (he is "playing a role" - in other words possibly faking his mental condition); and

WHEREAS, upon the Court's own observations, the Court had found by a preponderance of the evidence that the defendant was previously mentally incompetent to the extent that he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and

WHEREAS, based upon the initial report of the Federal Medical Center (FMC) in Butner, North Carolina, regarding the defendant, the new numerous recorded prison telephone calls made by defendant Clifton Gorham, and upon the Court's own observations, the Court finds by a preponderance of the evidence that the defendant's mental competency at this time needs to be reevaluated in order to determine if the defendant is currently incompetent and whether he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; it is hereby

ORDERED, pursuant to Title 18, United States Code, Section 4241(d)(1), that the defendant remain hospitalized at the Federal Medical Center (FMC) in Butner, North Carolina for such a reasonable period of time, not to exceed three months, as is necessary to determine the defendant's competency.

It is FURTHER ORDERED that the responsible officials at the Federal Medical Center (FMC) in Butner, North Carolina shall furnish to the Court and counsel for the parties, on or before November 15, 2007, an additional report containing an assessment of the defendant's condition relating to his competency, and a description of the steps taken and planned in the effort to restore the defendant to competency.

It is FURTHER ORDERED that the responsible officials at the Federal Medical Center (FMC) in Butner, North Carolina shall immediately advise the Court and the parties in writing should medications necessary to restore the defendant to competency be refused, including whether it is their recommendation that this Court authorize the involuntary administration of medication, pursuant to Sell v. United States, 539 U.S. 166 (2003). This notice should advise the Court and the parties of the proposed course of involuntary medication, including the specific medication proposed,

the dosage and the expected length of time needed to assess the effect of the medication. The report should also contain a full statement of the medical appropriateness of the medication including a recitation of all known and anticipated side-effects and an assessment as to whether the side-effects will interfere with the defendant's ability to assist his counsel in preparing his defense.

It is FURTHER ORDERED that a final determination shall be made as to whether the defendant was criminally responsible at the times of the alleged crimes in this case, April 19, 2005.

It is FURTHER ORDERED that counsel for the parties appear for a status hearing on November 30, 2007, at 3:00 p.m.

SO ORDERED, this _____ day of September 2007.

RICHARD J. LEON
UNITED STATES DISTRICT JUDGE

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